

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 98-7366

DOUGLAS L. GOSNELL, JR.,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Alexandria.  
Albert V. Bryan, Jr., Senior District Judge.  
(CR-94-382-A)

Submitted: January 26, 1999

Decided: March 22, 1999

Before WILKINS and HAMILTON, Circuit Judges, and  
PHILLIPS, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

**COUNSEL**

Douglas L. Gosnell, Jr., Appellant Pro Se. Robert William Wiecher-  
ing, Assistant United States Attorney, Alexandria, Virginia, for  
Appellant.

---

Unpublished opinions are not binding precedent in this circuit. See  
Local Rule 36(c).

## OPINION

### PER CURIAM:

Douglas Gosnell appeals from a district court order dismissing his petition for modification of the terms of his supervised release. In his petition, Gosnell argued that, in determining his sentence pursuant to his conviction for bank fraud, the district court erred in calculating the loss to his victims, thereby tainting his sentence and the court's restitution order. The district court found Gosnell's petition to be moot in light of Gosnell's completion of his term of supervised release.

We need not decide whether the district court correctly found Gosnell's petition to be moot, for we may affirm the district court on alternative grounds supported by the record. See Brewster of Lynchburg, Inc. v. Dial Corp., 33 F.3d 355, 361 n.3 (4th Cir. 1994). Our review of the record reveals that Gosnell's petition essentially recasts the same challenges he made to his sentence in a prior petition rejected by the district court and affirmed by this court in 1998. See United States v. Gosnell, No. 97-4384 (4th Cir. April 28, 1998) (unpublished). Further challenges in the same vein to Gosnell's sentence are foreclosed under the law of the case doctrine. See Sejman v. Warner-Lambert Co., 845 F.2d 66, 69 (4th Cir. 1988).

Accordingly, the district court's order dismissing Gosnell's petition is affirmed. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

### AFFIRMED